

**The United States District Court
District of New Hampshire**

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

2008 OCT 27 A 11:30

Libertarian Party of New Hampshire

Bob Barr, Wayne Root, Brendan Kelly and Hardy Macia

Plaintiffs,

v.

William Gardner, in his official capacity

As secretary of State of New Hampshire

Defendant.

Case 08-CV-368

08CV 367-JM

**Memorandum of Howard L. Wilson, in support of the Amicus Curiae, submitted by
Kenneth E. Blevens, Sr.**

Now comes Howard L. Wilson, with these facts.

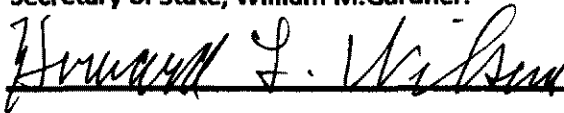
- 1. Candidate Bob Barr was not known to be an announced President candidate, October 2007 when the Libertarian Party of New Hampshire announced its President nominating convention, in New Hampshire.**
- 2. When the Presidential nominating convention of the New Hampshire Libertarian Party was announced, all the known and announced President candidates were invited to participate or send representatives to make presentation on their behalf. Bob Barr was not among that number of candidates.**
- 3. Due to timing schedules, under the discrimination statutes of New Hampshire, specifically RSA 652:11, and its presumed off-set, RSA 655:40-45, collection of the needed nominating petitions, needs to start as soon as the October Presidential nominating convention terminates. Some of this "need" is generated by nomination of in-state candidates as well as a President candidate.**

4. Presidential delegates, pledged to support the NH Presidential nominee, need be chosen at the October 2007 convention, in New Hampshire, on at least the first ballot of the nominating convention of the National Libertarian Convention.
5. The National Libertarian Party Convention nominated Bob Barr, as President and Wayne Root, as his vice-President, thus beating out George D. Phillies, who was the nominee of the Libertarian Party of New Hampshire, at its state Convention in October 2007.
6. Due to diligent work by the Libertarian Party of New Hampshire, sufficient nominating petitions were collected in New Hampshire, per RSA 655:40-45, to place George D. Phillies, for President; Kenneth Blevens, Sr., as candidate for US Senate; Sue Newell as candidate for Governor of New Hampshire, and 2 congressional candidates, by district: Robert Kingsbury, 1st District & Chester Lapointe II, 2nd district, to thus qualify these candidates for the General Election of November 4, 2008.
7. Meantime, and 7 month later, the National Libertarian Party held its nominating convention, over the Labor Day weekend, 22-26 of May 2008, nominating Bob Barr for president & Wayne Root, for vice-President.
8. Laws of the several states vary in the intensity of discrimination applied against 3rd parties, and their candidates. In the case presented in New Hampshire District Court, using as base, the laws of New Hampshire, the "right" of substitution is not permitted (i.e. Nominating one individual, collecting the signatures needed to access the General Election Ballot, being certified as a valid candidate, then, as it were, having the rug, pulled out from under that Presidential candidate, and another candidate slipped in).
9. Subsequent to the nomination of Bob Barr, as President & Wayne Root as vice-President, the National Libertarian Party, on behalf of Bob Barr & Wayne Root, hired Paid petition collectors, to collect the "needed" numbers of nominating petitions, per RSA 655:40-45, to qualify these candidates for the General Election of November 4, 2008. Some few of these petition, also displayed the nominated candidates of the Libertarian Party of New Hampshire (see # 6, above), and selected State Representative candidates not listed above (see appended sheet).
10. Having succeeded in placing Bob Barr & Wayne Root, on the Ballot for November 4, 2008, he must compete in an open election for the office of President, with George D. Phillies, with Christopher Bennet as his vice-President, and the other candidates listed on the General Election ballot (Ralph Nader & Matt Gonzales; John McCain & Sarah Palin; Barack Obama & Joseph Biden). Now the market, as an electorate, distorted though it is, must do its work, and choose 1 pair (President & vice-President candidates to be chosen in New Hampshire), on November 4, 2008.
11. Plaintiff's cite the amounts paid, for petitioning help, to place their names on the ballot, should consider the money, well spent, as advertising expense. No recompense is sought by the volunteers, who provided time to collect petitions, on behalf of George D. Phillies (I should note that one of the lawyer's for Plaintiff, may be conflicted, in that he { Evan Nappen}, did sign nominating petition on behalf of George D. Phillies { certified and since delivered to William Gardner, as Secretary of State}.
12. Plaintiff citation of violation of Article 1, from the Bill of Rights, and Article 14, as Amending the US Constitution, is an invalid argument, in that by this very plaint, to the courts, satisfaction is

gained, satisfies the standard under Article 1, of the Bill of Rights; Article 14, as Amending the US Constitution, is satisfied by placement on the ballot in a co-equal position as the individual he wishes to supplant, on the ballot, George D. Phillies { and Ralph Nader, even though not considered as part of this suit at law, (see appended sample ballot)}.

13. I think it incumbent for the court, to provide 2 sets of relief, to partially satisfy all Plaintiff parties, and upset defendant party;
- A) Find New Hampshire election law, sections RSA 652:11 & RSA 655:40-45 Un-Constitutional, as equally violative of the plaintiff cited Article 1, of the Bill of Rights, and Article 14, as Amending the US Constitution;
 - B) Injunction, against the State of New Hampshire Legislature, for the Biennium 2009-2010, to not enact any laws restraining access to the ballot, until a General Election has passed, into history.
14. Attorney fees and other penalty, should be laughed at and rejected. Plaintiff parties, knew the conditions of New Hampshire, and the rules, promulgated by National Libertarian Party, were un-enforcable, due to its time tables for Nominating Convention, vs. the several states Libertarian Party timelines under the relevant discrimination statutes extant. New Hampshire is not bad, but remains difficult nonetheless, due to climate and weather.

Wherefore; I, Howard L. Wilson, pray that this United States District Court, reject Plaintiff arguments, and permit the names of BOTH Libertarian President/vice-President candidates be placed on the November 4, 2008 ballot. This per current New Hampshire Law, as supported by Secretary of State, William M. Gardner.



10/24/08

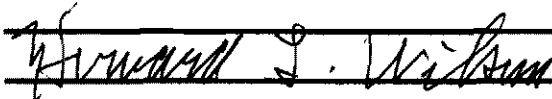
Respectfully, Howard L. Wilson

Residence: 57 Agony Hill Road

Mail: POBox 91

Andover, NH 03216

I have mailed copy of this memorandum to attorney's for Plaintiffs and Defendant.



Howard L. Wilson

Gary Sinawski

Evan Nappen

180 Montague Street 25th Floor

280 Pleasant Street, Suite 2

Brooklyn, NY 11201

Concord, NH 03301

Secretary of State, William M. Gardner

State House, room 204

Concord, NH 03301

16 * 18

Other Candidates Qualified for the 2008 General Election

President of the United States

"Bob" Barr (2256 Parkwood Place Court, Smyrna, GA 30080) QUALIFIED 9/3/8 - Libertarian
George Phillies (48 Hancock Hill Drive, Worcester, MA 01609) QUALIFIED 7/30/08 - Libertarian
Ralph Nader (PO Box 34103, Washington, DC 20043) QUALIFIED 8/29/08 - Independent

Governor

Susan M. Newell, Winchester (3 Old Chesterfield Road) 03470 QUALIFIED 9/3/8 - Libertarian

United States Senator

"Ken" Blevens, Bow (2 Valley Road) 03304-3414 QUALIFIED 6/30/08 - Libertarian

Representative in Congress

First District

Robert Kingsbury, Laconia (PO Box 1099) 03247 QUALIFIED 6/30/08 - Libertarian

Second District

Chester L. Lapointe II, Swanzey (PO Box 367) 03469 QUALIFIED 6/30/08 - Libertarian

State Senate

District 12 - Betty B. Hall, Brookline (PO Box 309) 03033 QUALIFIED 9/2/8 - Independent Moderate

County Offices

Belknap County

County Commissioner District 2 - Richard W. Long, Belmont (PO Box 490) 03220 QUALIFIED 8/26/8 Independent

Carroll County

Sheriff - Daniel J. Poirier, Tamworth (PO Box 69) 03886 QUALIFIED 7/11/08 - Independent

Cheshire County

Treasurer - Patricia E. Putnam, Stoddard (71 Doe Road) 03464 QUALIFIED 8/27/8 - Independent

State Representative

Hillsborough Dist. 3 - Dana A. Glow, New Ipswich (109 Davis Village Road) 03071 QUALIFIED 9/3/8 Independent

Hillsborough Dist. 6 - Peter T. Hansen, Amherst (82 Amherst Street) 03031 QUALIFIED 8/5/8 - Independent

Hillsborough Dist. 7 - Lisa M. Wilber, Weare (733 S. Stark Hwy) 03281 QUALIFIED 7/9/08 - Libertarian

Hillsborough Dist. 11 - Morey L. Straus, Manchester (26 Mead Street) 03104 QUALIFIED 6/30/08 - Libertarian

Hillsborough Dist. 17 - Paul G. Boisseau, Manchester (217 Moore Street) 03102 QUALIFIED 8/7/8 - Independent

Hillsborough Dist. 17 - "Rich" Tomasso, Manchester (110 English Village Road) 03102 QUALIFIED 9/3/8 Libertarian

Hillsborough Dist. 27 - Matthew S. Kahn, Hudson (147 Robinson Road) 03051 QUALIFIED 6/30/08 - Libertarian

Merrimack Dist. 7 - Kevin Roll, Pembroke (110 N. Pembroke Road) 03275 QUALIFIED 8/25/8 - Independent

Rockingham Dist. 14 - Brendan Kelly, Seabrook (17 Ayer Circle) 03874 QUALIFIED 6/30/08 - Libertarian

Sullivan Dist. 1 - Laura Stiller Ward, Plainfield (492 Stage Road) 03781 QUALIFIED 8/8/8 -

Independent

Sullivan Dist. 5 - Lois M. Corcoran, Charlestown (76 Weeks Road) 03603 QUALIFIED 8/22/08 -

Undeclared

#12 **SAMPLE BALLOT**

- ✓ You are permitted to take this sample ballot into the voting booth with you as an aid to memory.
- ✓ You may not fill in a box for one party and have it count for all offices.
- ✓ Make sure you vote for all the offices on the ballot, all the way to the bottom.
- ✓ You must completely fill in the oval ● next to your choice to make sure your vote is counted correctly.

OFFICES	OTHER CANDIDATES	REPUBLICAN	DEMOCRATIC	VOTE
PRESIDENT AND VICE-PRESIDENT	Ralph Nader <u>Matt Gonzalez</u> George Phillies <u>Christopher Bennett</u> Bob Barr <u>Wayne A. Root</u>	John McCain Sarah Palin	Barack Obama Joe Biden	●
Governor	Susan M. Newell	Joseph D. Kenney	John Lynch	●
U S Senator	Ken Blevens	John E. Sununu	Jeanne Shaheen	●
Representative in Congress	Chester L. LaPointe II	Jennifer Horn	Paul Hodes	●
Executive Councilor		Dan St. Hilaire	John D. Shea	●
State Senator		Bob Odell	Jay Phinizy	●
State Representatives [vote for 2]		David H. Kidder Anne Copp	Randy Foose Mike Meller	● ●
Sheriff		Scott E. Hilliard	Scott E. Hilliard	●
County Attorney		Tom Reid	Katherine D. Rogers	●
County Treasurer		Roy Maxfield	James Monahan	●
Register of Deeds		Kathy L. Guay	Lawrence K. Hennessy	●
Register of Probate		Jane Bradstreet	Jane Bradstreet	●

~~Paid for by New London Democrat Committee: M Meller, Chair; J Harrod, Vice Chair~~

STATE OF NEW HAMPSHIRE
Nomination Paper (For State General Election) RSA 655:40 - 45

The subscriber, a registered voter in the State of New Hampshire, hereby makes the following nominations to be voted for at the state general election to be held on November 4, 2008, and requests that the names of said candidates be placed upon the official ballot to be used in said election as candidates of the following Political Organization: Libertarian

Candidate's Name <u>GEORGE PHILLIES</u> Candidate's Domicile <u>WORCESTER, MA</u> For Office of <u>U.S. PRESIDENT</u> Candidate's Name Candidate's Domicile For Office of 	Candidate's Name <u>KEN BLEVENS</u> Candidate's Domicile <u>BOW, NH</u> For Office of <u>U.S. SENATE</u> Candidate's Name <u>N/A</u> Candidate's Domicile For Office of 	Candidate's Name <u>SUSAN NEWELL</u> Candidate's Domicile <u>WINCHESTER, NH</u> For Office of <u>GOVERNOR</u> Candidate's Name <u>N/A</u> Candidate's Domicile For Office of
---	--	---

RSA 655:45 : No person shall falsely make or file or knowingly deface or destroy any nomination paper, or any part thereof, or sign any nomination paper contrary to the provisions of law knowing the same, or any part thereof, to be falsely made or suppress any nomination paper, or any part thereof, which has been duly filed. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or be guilty of a felony if any other person.

Voter's Signature _____ Print Name _____

Voter's Domicile _____ (Street Address)

(Town or City) _____ (Ward) _____

Voter's Mailing Address _____

CERTIFICATE OF SUPERVISORS OF THE CHECKLIST

The undersigned, a **MAJORITY** of the **SUPERVISORS OF THE CHECKLIST** (or Registrars of Voters), hereby certify that the voter signing this nomination paper is a registered voter in the town/ward of _____

RSA 655:41, II. The city clerk may certify that the signer is a registered voter, if in a city.

The signer of this paper is **NOT** a registered voter in this town or ward

Date Signed _____

Filing Deadlines: 5 weeks before primary, 2008 - Last day to submit nomination papers to

Supervisors of the Checklist in each town or city **Wednesday 2 weeks before primary 2008**

5:00 p.m. - Supervisors must have nomination papers certified for candidates and organizations

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For Office of U.S. PRESIDENT	For Office of U.S. SENATE	For Office of GOVERNOR
Candidate's Name N/A	Candidate's Name N/A	Candidate's Name N/A
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8 to 11 am

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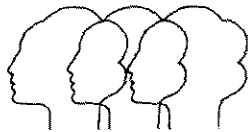
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